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PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031  
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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/578,993
Filing Date	May 11, 2006
First Named Inventor	Eugene SHERRY
Art Unit	2859
Examiner Name	Amy R. COHEN
Attorney Docket Number	5000-061503

### ENCLOSURES (Check all that apply)

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>1. PTO/SB/08a;<br>2. Foreign references w/English language abstract;<br>3. International Search Report |
|---|--|---|

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	The Webb Law Firm		
Signature			
Printed name	Russell D. Orkin		
Date	August 21, 2007	Reg. No.	25,363

### CERTIFICATE OF TRANSMISSION/MAILING

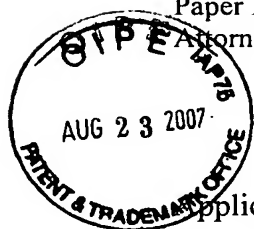
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Signature			
Typed or printed name	Lisa A. Miller	Date	August 21, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application No.: 10/578,993  
Paper Dated: August 21, 2007  
Attorney Docket No.: 5000-061503



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/578,993 Confirmation No. : 5104  
Applicants : Eugene SHERRY et al.  
Filed : May 11, 2006  
Title : **Gauge for Use in a Surgical Procedure**  
Group Art Unit : 2859  
Examiner : Amy R. COHEN  
Customer No. : 28289

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to the requirements of 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby submit this Information Disclosure Statement, which includes completed Forms PTO/SB/08a.

This application is the United States national phase of PCT Application No. PCT/AU2004/001568, filed January 12, 2004. The references listed on Form PTO/SB/08a were cited in the International Search Report dated November 29, 2004 for the underlying PCT Application. A copy of the International Search Report is enclosed for the Examiner's convenience.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 21, 2007.

\_\_\_\_\_  
Lisa A. Miller  
(Name of Person Mailing Paper)

Signature

08/24/2007  
08/21/2007  
01 FC:18 Date

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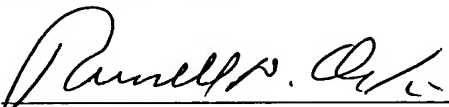
Pursuant to 37 C.F.R. § 1.98 (a), a legible copy of each reference cited in this Information Disclosure Statement is provided herein. Also enclosed are translations of the abstracts for non-English references SU988275, SU1378833, SU606578 and SU1090339, which also serve as concise explanations of the relevance of these references in accordance with 37 C.F.R. § 1.98 (a)(3)(i).

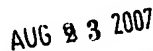
This Information Disclosure Statement is being submitted together with a fee of \$180.00 pursuant to 37 C.F.R. §§ 1.97 (c) and 1.17 (p) as it is being submitted after the mailing of the first Office Action on the merits, but before the mailing date of a final Office Action or a Notice of Allowance under § 1.311. The Director for the United States Patent and Trademark Office is hereby authorized to charge any fees that may be required to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650.

The Applicants submit that they have complied with the requirements set forth in 37 C.F.R. §§1.56, 1.97 and 1.98, and therefore respectfully request that this Information Disclosure Statement and the cited references be considered and made of record.

Respectfully submitted,

THE WEBB LAW FIRM

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Substitute for form 1449/PTO

*(Use as many sheets as necessary)*

Sheet 1

of 1

**Complete if Known**

Application Number	10/578.993
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Filing Date	May 11, 2006
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First Named Inventor	Eugene SHERRY
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Art Unit	2859
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Examiner Name	Amy R. COHEN
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Attorney Docket Number	5000-061503
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## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>2</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	1.	GB 922007	03-27-1963	Connelley		
	2.	SU 1378833	03-07-1988	Kolomiets et al.	Abstract	✓
	3.	SU 1090339	05-07-1985	Shumeiko et al.	Abstract	✓
	4.	SU 988275	01-25-1983	Orzheshkov et al.	Abstract	✓
	5.	SU 606578	04-26-1978	Itkin et al.	Abstract	✓
	6.	WO 03/037192	05-08-2003	Sherry et al.	Abstract	

Examiner Signature	Date Considered
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